

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JO ANNA LANG, *et al.*,

Plaintiffs,

vs.

STATE OF WASHINGTON, *et al*

Defendants.

No. 3:20-cv-05057-BHS

DEFENDANT CITY OF  
VANCOUVER'S [DKT. 38] RESPONSE  
TO PLAINTIFF'S MOTION FOR  
MEDICAL STAY OF PROCEEDINGS

**NOTING DATE:** September 11, 2020

Without oral argument

Plaintiff filed a motion on September 3, 2020, asking this Court for "a stay responding to all defendants['] 12(b)(6) motions until September 30, 2020 due to medical conditions." (Dkt. 38 at 3.) Plaintiff's request is moot as it relates to the City's pending motion (Dkt. 29).

The noting date on Defendant City of Vancouver's Motion to Dismiss was August 28, 2020. (Dkt. 29.) Plaintiff was not only able to respond on August 25, 2020, but believed so strongly in her arguments that she cross-moved for judgment in Plaintiff's favor. (Dkt. 33.) The City filed a reply in support of its Rule 12(b)(6) motion on August 27, 2020. (Dkt. 36.) The noting date then passed before Plaintiff ever requested a stay.<sup>1</sup> As such, there is no reason to "stay" any briefing deadline as it relates to the City's motion—all briefing has concluded.

<sup>1</sup> Plaintiff's first request for a stipulated stay was received by email on August 31. Undersigned counsel was on furlough August 31-September 4 and precluded from accessing email during that time. By the time that original email was viewed, Plaintiff had already filed the motion.

1 The City does not otherwise object to Plaintiff's motion. The City wishes Plaintiff's  
2 counsel well on his medical appointments in Los Angeles.

3 DATED on September 8, 2020.

4 CITY ATTORNEY'S OFFICE  
5 VANCOUVER, WASHINGTON

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